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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,847	11/26/2003	Pascal Salazar-Ferrer	14XZ130600	6549

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/722,847

Applicant(s)

SALAZAR-FERRER ET AL.

Examiner

Jennifer T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to amendment filed 11/15/06.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Takanashi (Patent No. US 6,243,096).

Regarding claims 1 and 16, Takanashi teaches a peripheral device (14, fig. 2) for manipulating images comprising:

a gripping element (shown in input device 14, fig. 3);

means (not shown) for transmitting command information to means (15) for processing as a function of shift and/or efforts applied by the user on the device (col. 9, line 44 to col. 10, line 21);

means (12, figs. 2 and 3) for actuating by the user to control the means for processing to switch from one operating mode (i.e., three-dimensional operating mode) where the gripping element is used for manipulating images to an operating mode (i.e., two-dimensional operating mode) where the device is used as a pointer or for selection and vice versa (col. 9, line 44 to col. 10, line 21).

Regarding claim 2, Takanashi teaches the means for actuating comprise a button (12) (col. 9, lines 44-47).

Regarding claim 13, Takanashi teaches an assembly comprising:

- a peripheral device (14) for manipulating images by a user;
- means (15) for processing having a memory for image modeling;
- means (not shown) for linking by which the peripheral device (14) transmits to the means for processing command information as a function of shift and/or efforts applied by the user on the device (col. 9, line 44 to col. 10, line 21);
- at least one means (8, fig. 2) for displaying an image;
- means (not shown) for linking by which the means for processing transmit to the means for display an image to be displayed, the image being a function of the command information transmitted to the means for processing by the peripheral device (col. 9, line 44 to col. 10, line 21);
- wherein in one operating mode the device controls 2D navigation on the means for display (col. 10, lines 11-21);
- the means (15) for processing comprising means in the one operating mode, as a function of the command information transmitted by the peripheral device (14), for controlling a 2D shift of a pointer displayed on the means (8) for display and/or selecting given functions as a function of the position of the pointer (col. 9, line 44 to col. 10, line 21);
- the assembly comprising means (2) actuated by the user to control the means for processing to switch to another operating mode for manipulating 3D images from the one operating mode where the device is used to control 2D navigation on the means for display and vice versa (col. 9, line 44 to col. 10, line 21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi (Patent No. US 6,243,096) in view of Reid et al. (Patent No. US 6,853,365).

Regarding claim 3, Takahashi teaches the device has a gripping head mounted on a transmitter for shifts and/or efforts, a general elongated hemispheric shape terminating at one end in a substantially straight edge (fig. 3).

Takahashi differs from claim 3 in that he does not specifically teach the head having a end has an arched section at its.

Reid teaches a end has an arched section at its (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the end in a substantially straight edge as taught by Reid in the system of Takahashi in order to fit easily to user's hand.

Regarding claims 4-6, the combination of Takahashi and Reid teaches the device has a gripping head mounted on a transmitter for shifts and/or efforts, the head presenting on its gripping face three recesses (107-109, figs. 1-2 of Reid) distributed in a triangle in symmetrical fashion constituting tactile markers for positioning the hand of the user (col. 5, lines 1-23 of Reid).

6. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (Patent No. US 6,243,096) in view of Zagnoev (Pub. No. US 2003/0090394).

Regarding claim 7, Takahashi differs from claim 7 in that he does not specifically teach a wall forming a wrist-rest in front of the device.

Zagnoev teaches a wall forming a wrist-rest (21) in front of the device (10) [0026]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the wrist-rest as taught by Zagnoev in the system of Takahashi in order to allow the user to use the device comfortable.

Regarding claim 8, the combination of Takahashi and Zagnoev teaches a casing (10) having on one side a plurality of buttons forming a keyboard (26) and on the other side the device to be manipulated by user (23) [0024]-[0030] of Zagnoev.

Regarding claim 9, the combination of Takahashi and Zagnoev teaches a casing bearing a plurality of buttons, as well as the device to be manipulated by user, the device being placed in a tray which the casing presents (fig. 1, [0024]-[0030] of Zagnoev).

Regarding claim 10, the combination of Takahashi and Zagnoev teaches a casing on which the device to be manipulated by user is placed, the device extending with a main reference plane which, in the position of use expected for this peripheral device, is inclined relative to the horizontal (fig. 2, [0024]-[0030] of Zagnoev).

Regarding claims 11 and 12, although the combination of Takahashi and Zagnoev does not specifically teach the angle of inclination is between 10 and 20 degree or 15 degree. However, it would have been obvious to obtain those angle of inclination in order to allow the user to control the device comfortable.

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7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takanashi (Patent No. US 6,243,096) in view of Bonanni et al. (Patent No. US 6,400,157).

Regarding claims 14 and 15, Takahashi differs from claims 13 and 14 in that he does not specifically teach the peripheral device is placed in a surgical theater and/or examination room on the edge of a table intended for patients.

Bonanni teaches a peripheral device is placed in a surgical theater and/or examination room on the edge of a table intended for patients (fig. 2, col. 7, lines 30-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the peripheral device is placed in a surgical theater as taught by Bonanni in the system of Takahashi in order to perform surgery and other medical procedures efficiently.

8. Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
2/1/07



**RICHARD HJERPE
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